

Introduced by Senator Hernandez

February 21, 2013

An act to amend Section 51225.3 of, and to add Section 52244 to, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 421, as introduced, Hernandez. Pupil instruction: International Baccalaureate Diploma Program: advanced placement courses.

(1) Existing law authorizes a system of incentives to encourage high schools to operate International Baccalaureate Diploma Programs, and to encourage pupils in these schools to enroll in, attempt, and pass the International Baccalaureate course of study and examinations that lead to the International Baccalaureate Diploma. Existing law requires the Superintendent of Public Instruction, from funds appropriated for the purpose of the International Baccalaureate Diploma Program, to annually allocate to each school district, on behalf of each high school or middle school within the district that offers the program, up to \$25,000 for each participating high school and middle school to cover the costs of professional development required by the program and to help pay the test fees for low- and middle-income pupils in need of financial assistance.

Existing law requires a pupil to complete specified courses while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements.

This bill would require a pupil to complete either an International Baccalaureate Diploma Program or the specified courses in order to receive a diploma of graduation from high school.

(2) Existing law authorizes a school district receiving economic impact aid funds to expend any portion of those funds to pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged pupils, as defined.

This bill would establish a grant program, administered by the State Department of Education, for the purpose of awarding grants to cover the costs of advanced placement examination fees or International Baccalaureate examination fees, or both, for eligible economically disadvantaged high school pupils, as defined. The bill would authorize a school district to apply to the department for grant funding under the program based on the number of economically disadvantaged pupils in the school district who will take the next offered advanced placement examinations and would require that grants be expended only to pay the fees required of eligible economically disadvantaged high school pupils to take an advanced placement or International Baccalaureate examination, or both. The bill would require funding priority be given to advanced placement examination fees if there is insufficient funding allocated to the grant program in a given fiscal year. The bill would require the department to make every effort to obtain and allocate federal funding for purposes of the program before expending any state funds and require all federal and state funds obtained by the department for the purpose of the program to be expended for those purposes only and prohibit those funds from being used to fund any other program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51225.3 of the Education Code, as
- 2 amended by Section 3 of Chapter 621 of the Statutes of 2011, is
- 3 amended to read:
- 4 51225.3. (a) A pupil shall complete all of the following while
- 5 in grades 9 to 12, inclusive, in order to receive a diploma of
- 6 graduation from high school:
- 7 (1) ~~At~~ *Either an International Baccalaureate Diploma Program,*
- 8 *as set forth in Chapter 12.5 (commencing with Section 52920), or*
- 9 *at least the following numbers of courses in the subjects specified,*
- 10 *each course having a duration of one year, unless otherwise*
- 11 *specified:*
- 12 (A) Three courses in English.

1 (B) Two courses in mathematics.

2 (C) Two courses in science, including biological and physical
3 sciences.

4 (D) Three courses in social studies, including United States
5 history and geography; world history, culture, and geography; a
6 one-semester course in American government and civics; and a
7 one-semester course in economics.

8 (E) One course in visual or performing arts, foreign language,
9 or, commencing with the 2012–13 school year, career technical
10 education.

11 (i) For purposes of satisfying the requirement specified in this
12 subparagraph, a course in American Sign Language shall be
13 deemed a course in foreign language.

14 (ii) For purposes of this subparagraph, “a course in career
15 technical education” means a course in a district-operated career
16 technical education program that is aligned to the career technical
17 model curriculum standards and framework adopted by the state
18 board, including courses through a regional occupational center
19 or program operated by a county superintendent of schools or
20 pursuant to a joint powers agreement.

21 (iii) This subparagraph does not require a school or school
22 district that currently does not offer career technical education
23 courses to start new career technical education programs for
24 purposes of this section.

25 (iv) If a school district or county office of education elects to
26 allow a career technical education course to satisfy the requirement
27 imposed by this subparagraph, the governing board of the school
28 district or county office of education, ~~prior to~~ *before* offering that
29 alternative to pupils, shall notify parents, teachers, pupils, and the
30 public at a regularly scheduled meeting of the governing board of
31 all of the following:

32 (I) The intent to offer career technical education courses to fulfill
33 the graduation requirement specified in this subparagraph.

34 (II) The impact that offering career technical education courses,
35 pursuant to this subparagraph, will have on the availability of
36 courses that meet the eligibility requirements for admission to the
37 California State University and the University of California, and
38 whether the career technical education courses to be offered
39 pursuant to this subparagraph are approved to satisfy those
40 eligibility requirements. If a school district elects to allow a career

1 technical education course to satisfy the requirement imposed by
2 this subparagraph, the school district shall comply with subdivision
3 (m) of Section 48980.

4 (III) The distinction, if any, between the high school graduation
5 requirements of the school district or county office of education,
6 and the eligibility requirements for admission to the California
7 State University and the University of California.

8 (F) Two courses in physical education, unless the pupil has been
9 exempted pursuant to the provisions of this code.

10 (2) Other coursework requirements adopted by the governing
11 board of the school district.

12 (b) The governing board, with the active involvement of parents,
13 administrators, teachers, and pupils, shall adopt alternative means
14 for pupils to complete the prescribed course of study that may
15 include practical demonstration of skills and competencies,
16 supervised work experience or other outside school experience,
17 career technical education classes offered in high schools, courses
18 offered by regional occupational centers or programs,
19 interdisciplinary study, independent study, and credit earned at a
20 postsecondary *educational* institution. Requirements for graduation
21 and specified alternative modes for completing the prescribed
22 course of study shall be made available to pupils, parents, and the
23 public.

24 (c) Notwithstanding any other law, a school district shall exempt
25 a pupil in foster care from all coursework and other requirements
26 adopted by the governing board of the *school* district that are in
27 addition to the statewide coursework requirements specified in
28 this section if the pupil, while he or she is in grade 11 or 12,
29 transfers into the district from another school district or between
30 high schools within the district, unless the *school* district makes a
31 finding that the pupil is reasonably able to complete the additional
32 requirements in time to graduate from high school while he or she
33 remains eligible for foster care benefits pursuant to state law. A
34 school district shall notify a pupil in foster care who is granted an
35 exemption pursuant to this subdivision, and, as appropriate, the
36 person holding the right to make educational decisions for the
37 pupil, if any of the requirements that are waived will affect the
38 pupil's ability to gain admission to a postsecondary educational
39 institution and shall provide information about transfer

opportunities available through the California Community Colleges.

(d) On or before July 1, 2017, the department shall submit a comprehensive report to the appropriate policy committees of the Legislature on the addition of career technical education courses to satisfy the requirement specified in subparagraph (E) of paragraph (1) of subdivision (a), including, but not limited to, the following information:

(1) A comparison of the pupil enrollment in career technical education courses, foreign language courses, and visual and performing arts courses for the 2005–06 to 2011–12 school years, inclusive, to the pupil enrollment in career technical education courses, foreign language courses, and visual and performing arts courses for the 2012–13 to 2016–17 school years, inclusive.

(2) The reasons, reported by school districts, that pupils give for choosing to enroll in a career technical education course to satisfy the requirement specified in subparagraph (E) of paragraph (1) of subdivision (a).

(3) The type and number of career technical education courses that were conducted for the 2005–06 to 2011–12 school years, inclusive, compared to the type and number of career technical education courses that were conducted for the 2012–13 to 2016–17 school years, inclusive.

(4) The number of career technical education courses that satisfied the subject matter requirements for admission to the University of California or the California State University.

(5) The extent to which the career technical education courses chosen by pupils are aligned with the California Career Technical Education Standards, and prepare pupils for employment, advanced training, and postsecondary education.

(6) The number of career technical education courses that also satisfy the visual and performing arts requirement, and the number of career technical education courses that also satisfy the foreign language requirement.

(7) Annual pupil dropout and graduation rates for the 2011–12 to 2014–15 school years, inclusive.

(e) For purposes of completing the report described in subdivision (d), the Superintendent may use existing state resources and federal funds. If state or federal funds are not available or sufficient, the Superintendent may apply for and accept grants,

1 and receive donations and other financial support from public or
2 private sources for purposes of this section.

3 (f) For purposes of completing the report described in
4 subdivision (d), the Superintendent may accept support, including,
5 but not limited to, financial and technical support, from high school
6 reform advocates, teachers, chamber organizations, industry
7 representatives, research centers, parents, and pupils.

8 (g) *This section shall not require a school or school district that*
9 *currently does not offer an International Baccalaureate Diploma*
10 *Program to start an International Baccalaureate Diploma Program*
11 *for purposes of this section.*

12 ~~(g)~~
13 (h) This section shall become inoperative on the earlier of the
14 following two dates:

15 (1) On July 1, immediately following the first fiscal year after
16 the enactment of the act that adds this paragraph in which the
17 number of career technical education courses that, as determined
18 by the department, satisfy the foreign language requirement for
19 admission to the California State University and the University of
20 California is at least twice the number of career technical education
21 courses that meet these admission requirements as of January 1,
22 2012. This section shall be repealed on the following January 1,
23 unless a later enacted statute, that becomes operative on or before
24 that date, deletes or extends the dates on which it becomes
25 inoperative and is repealed. It is the intent of the Legislature that
26 new career technical education courses that satisfy the foreign
27 language requirement for admission to the California State
28 University and the University of California focus on world
29 languages aligned with career preparation, emphasizing real-world
30 application and technical content in related career and technical
31 education courses.

32 (2) On July 1, 2017, and, as of January 1, 2018, is repealed,
33 unless a later enacted statute, that becomes operative on or before
34 January 1, 2018, deletes or extends the dates on which it becomes
35 inoperative and is repealed.

36 SEC. 2. Section 51225.3 of the Education Code, as added by
37 Section 4 of Chapter 621 of the Statutes of 2011, is amended to
38 read:

1 51225.3. (a) A pupil shall complete all of the following while
2 in grades 9 to 12, inclusive, in order to receive a diploma of
3 graduation from high school:

4 (1) ~~At~~ *Either an International Baccalaureate Diploma Program,*
5 *as set forth in Chapter 12.5 (commencing with Section 52920), or*
6 *at least the following numbers of courses in the subjects specified,*
7 each course having a duration of one year, unless otherwise
8 specified:

9 (A) Three courses in English.

10 (B) Two courses in mathematics.

11 (C) Two courses in science, including biological and physical
12 sciences.

13 (D) Three courses in social studies, including United States
14 history and geography; world history, culture, and geography; a
15 one-semester course in American government and civics; and a
16 one-semester course in economics.

17 (E) One course in visual or performing arts or foreign language.
18 For purposes of satisfying the requirement specified in this
19 subparagraph, a course in American Sign Language shall be
20 deemed a course in foreign language.

21 (F) Two courses in physical education, unless the pupil has been
22 exempted pursuant to the provisions of this code.

23 (2) Other coursework requirements adopted by the governing
24 board of the school district.

25 (b) The governing board, with the active involvement of parents,
26 administrators, teachers, and pupils, shall adopt alternative means
27 for pupils to complete the prescribed course of study that may
28 include practical demonstration of skills and competencies,
29 supervised work experience or other outside school experience,
30 career technical education classes offered in high schools, courses
31 offered by regional occupational centers or programs,
32 interdisciplinary study, independent study, and credit earned at a
33 postsecondary *education* institution. Requirements for graduation
34 and specified alternative modes for completing the prescribed
35 course of study shall be made available to pupils, parents, and the
36 public.

37 (c) Notwithstanding any other law, a school district shall exempt
38 a pupil in foster care from all coursework and other requirements
39 adopted by the governing board of the *school* district that are in
40 addition to the statewide coursework requirements specified in

1 this section if the pupil, while he or she is in grade 11 or 12,
2 transfers into the district from another school district or between
3 high schools within the district, unless the *school* district makes a
4 finding that the pupil is reasonably able to complete the additional
5 requirements in time to graduate from high school while he or she
6 remains eligible for foster care benefits pursuant to state law. A
7 school district shall notify a pupil in foster care who is granted an
8 exemption pursuant to this subdivision, and, as appropriate, the
9 person holding the right to make educational decisions for the
10 pupil, if any of the requirements that are waived will affect the
11 pupil's ability to gain admission to a postsecondary educational
12 institution and shall provide information about transfer
13 opportunities available through the California Community
14 Colleges.

15 (d) If a pupil completed a career technical education course that
16 met the requirements of subparagraph (E) of paragraph (1) of
17 subdivision (a) of Section 51225.3, as amended by the act adding
18 this section, ~~prior to~~ before the inoperative date of that section,
19 that course shall be deemed to fulfill the requirements of
20 subparagraph (E) of paragraph (1) of subdivision (a) of this section.

21 (e) *This section shall not require a school or school district that*
22 *currently does not offer an International Baccalaureate Diploma*
23 *Program to start an International Baccalaureate Program for*
24 *purposes of this section.*

25 (e)

26 (f) This section shall become operative upon the date that Section
27 51225.3, as amended by the act adding this section, becomes
28 inoperative.

29 SEC. 3. Section 52244 is added to the Education Code, to read:

30 52244. (a) There is hereby established a grant program for the
31 purpose of awarding grants to cover the costs of advanced
32 placement examination fees or International Baccalaureate
33 examination fees, or both, for eligible economically disadvantaged
34 high school pupils. The department shall administer this program.

35 (b) An "eligible economically disadvantaged high school pupil"
36 means a pupil who is either from a family whose annual household
37 income is below 200 percent of the federal poverty level or a pupil
38 who is eligible for a federal free or reduced-price meal program.

39 (c) A school district may apply to the department for grant
40 funding pursuant to this section, based on the number of

1 economically disadvantaged pupils in the school district enrolled
2 in advanced placement courses who will take the next offered
3 advanced placement examinations. A school district that applies
4 to the department for this purpose shall designate school district
5 staff to whom pupils may submit applications for grants and shall
6 institute a plan to notify pupils of the availability of financial
7 assistance pursuant to this section. Grants shall be expended only
8 to pay the fees required of eligible economically disadvantaged
9 high school pupils to take an advanced placement or International
10 Baccalaureate examination, or both.

11 (d) An eligible economically disadvantaged high school pupil
12 who is enrolled in an advanced placement or International
13 Baccalaureate course, or both, may apply to the designated school
14 district staff for a grant pursuant to this section. A pupil who
15 receives a grant shall pay five dollars (\$5) of the examination fee.

16 (e) School districts and county superintendents of schools may
17 join together and form collaboratives or consortia in order to
18 participate in the grant program established by this section.

19 (f) Grants provided pursuant to this section may not be used to
20 supplant fee waivers available to low-income pupils who take
21 advanced placement or International Baccalaureate examinations.

22 (g) If the total school district applications exceed the total funds
23 available pursuant to this section, the department shall prorate the
24 grants based upon the ratio of the total amount requested to the
25 total amount budgeted by the state for this purpose. Funding
26 priority shall be given to advanced placement examination fees if
27 there is insufficient funding allocated for the grant program in a
28 given fiscal year.

29 (h) To facilitate program administration and school district
30 reimbursement, the department may enter into a contract with the
31 provider of advanced placement or International Baccalaureate
32 examinations. For purposes of the contract authorized pursuant to
33 this subdivision, the department is exempt from the requirements
34 of Part 2 (commencing with Section 10100) of Division 2 of the
35 Public Contract Code and from the requirements of Article 6
36 (commencing with Section 999) of Chapter 6 of Division 4 of the
37 Military and Veterans Code.

38 (i) The department shall make every effort to obtain and allocate
39 federal funding for purposes of this program before expending any
40 state funds. All state and federal funds obtained by the department

- 1 for purposes of this program shall be expended for these purposes
- 2 only and are prohibited from being used to fund any other program.

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